IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

(1) S.B. CIVIL WRIT PETITION NO. 3770/1997
BHAGWAT SHARMA
Vs.
THE JUDGE, LABOUR COURT, JAIPUR & ANR.

&

(2) S.B. CIVIL WRIT PETITION NO. 4513/1995
PARMESHWAR SHAH
Vs.
M/S HINDUSTAN SAFETY GLASS WORKS LTD. & ANR.

Date: 16.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajiv Bandhu for the petitioner.
Mr. Pramod Gaur for
Mr. N.K. Bhatt for the respondents.

****

Since both the writ petitions are similar in nature, therefore, they are being decided by this common order.

The facts of the case of '*Bhagwat Sharma*' are taken as leading case. The petitioner was appointed on the post of cutting helper with effect from 01.08.83. he had indulged in grave and serious acts of misconduct which included acts of assault on fellow worker as well as acts of assault and manhandling with the factory manager of the respondent Company apart from

obstructing the movement of the trucks carrying the despatched material. Thus, looking to the gravity of the misconducts and accompanying circumstances and in the larger interest of the staff and other managerial personnel and also the workmen, the respondent Company conducted the domestic enquiry in respect of the acts committed by the petitioner and as the petitioner was found guilty of the aforesaid acts, therefore, he was awarded a penalty of dismissal from service vide order dated 24.01.92, which was challenged by the petitioner before the Labour Court and the Labour Court vide impugned Award dated 26.04.95 after giving opportunity of being heard to the parties and upon careful perusal of the relevant record, finds that the penalty of dismissal is appropriate looking to the conduct of the petitioner.

Learned counsel for the petitioner submits that the allegation levelled against the petitioner have not been proved as the persons concerned have not been examined, thereafter, the impugned Award has been passed without considering the record as well as the evidence.

I have considered the rival submissions of the respective parties and carefully perused the impugned Award dated 26.04.95 passed by the Labour Court, Jaipur.

It appears that the Labour Court has thoroughly considered the case and after careful consideration of the record as well as the documentary evidence adduced by the parties to the dispute before it, has passed the impugned Award dated 26.04.95. This Court while exercising powers under Article 226 of the Constitution of India, cannot act as Appellate Court and also do not want to re-appreciate the evidence and reopen the whole case since several disputed questions are raised here in the writ petition. On the contrary, the Labour Court has considered all aspects and after considering the evidence as well as the record, has passed the impugned Award.

Thus, I find no illegality or error apparent on the face of record and the impugned Award dated 26.04.95 passed in LCR Case No. 108/93 (Bhagwat Sharma Vs. Manager, Hindustan Safety Glass Works Ltd., Jaipur) and the impugned Award dated 26.04.95 passed in LCR Case No. 110/93 (Parmeshwar Vs. Manager, Hindustan Safety Glass Works Ltd., Jaipur) by the Labour Court, Jaipur, require no interference by this Court.

Consequently, both the writ petitions fail and the same are hereby dismissed.

(K.S. RATHORE),J.

/KKC/